

Serial No. 10/043,167  
Amdt. dated January 28, 2004  
Reply to Office Action October 28, 2003

Docket No. P-0330

### **REMARKS/ARGUMENTS**

Claims 1-10 and 13-22 are pending in this application. By this Amendment, the drawings, abstract, specification, and claims 1-10 and 13-14 are amended, claims 15-22 are added, and claims 11-12 are cancelled without prejudice or disclaimer. The abstract and specification are amended to correct informalities. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Allowance in view of the above amendments and the following remarks is respectfully requested.

The Examiner is thanked for the indication that claim 1 would be allowable if rewritten to overcome the rejection thereof under 35 U.S.C. §112, second paragraph, and that claims 2-10 and 14 would be allowable if rewritten to overcome the rejection thereof under 35 U.S.C. §112, second paragraph, and in independent form, including all of the limitations of the base claim and any intervening claims. The amendments made to the claims are responsive to the Examiner's comments. Accordingly, independent claim 1, as well as claims 2-10, which depend therefrom, should be in condition for allowance. However, for the reasons discussed herein, dependent claim 14 has not been rewritten in independent form at this time.

The Office Action objects to the drawings under 37 C.F.R. 1.84(p)(5) for including reference sign(s) not mentioned in the written description. The amendments made to page 10,

line 1, and page 11, line 7 of the original specification are responsive to the Examiner's comments. Accordingly, it is respectfully requested that the objection be withdrawn.

The Office Action objects to the specification due to various informalities. The substitute specification filed herewith is responsive to the Examiner's comments. The amendments reflected in the substitute specification are made merely for clarification purposes, and contain no new matter. Accordingly, it is respectfully requested that the objection be withdrawn.

The Office Action rejects claims 1-14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11-12 are cancelled. The amendments made to claims 1-10 and 13-14 are responsive to the Examiner's comments. Accordingly, it is respectfully submitted that claims 1-10 and 11-14 now meet the requirements of 35 U.S.C. §112, second paragraph, and thus the rejection should be withdrawn.

The Office Action rejects claims 11-12 under 35 U.S.C. §102(b) as being anticipated by Dorner et al., U.S. Patent No. 4,268,769 (hereinafter "Dorner"). Claims 11-12 are cancelled, and thus the rejection is moot.

The Office Action rejects claims 11-12 under 35 U.S.C. §102(a,e) as being anticipated by Nishimura et al., U.S. Patent No. 6,323,570 (hereinafter "Nishimura"). Claims 11-12 are cancelled, and thus the rejection is moot.

The Office Action rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over Hato et al., U.S. Patent No. 5,901,411 (hereinafter "Hato") in view of Nishimura. The rejection is respectfully traversed.

Independent claim 13 recites, *inter alia*, a linear operating means installed within the power brush between the supporting means and outer portions of the power brush for moving the power brush in a linear direction. Hato neither discloses nor suggests such features.

Hato discloses a suction tool 101 for an electric vacuum cleaner, with upper and lower casings 101a and 101b, respectively, separated by a bumper 113, a suction pipe 103 connecting the suction tool 101 to a vacuum cleaner body (not shown), and a lateral suction port 102 provided on the lower casing 101b. Partitioning walls 124a and 124b form a suction inflow passage 125 and a power transmission area 126. The suction inflow passage 125 conducts a suction air stream 103a from the suction port 102 to the suction pipe 103.

A motor 104 installed in the power transmission area 126 drives a moveable brush 105 installed in the suction inflow passage 125 above the suction port 102. A support shaft 108 laterally supported by a pair of bearings 110 fixed to the partitioning wall 124a and a pair of support plates 109 is provided above the moveable brush 105. The moveable brush 105 integrated with the support plate 109 is driven by the motor 104, and reciprocates about the support shaft 108 to scrub dust and dirt from a cleaning surface.

Hato teaches away from the claimed invention, in that Hato's motor 104 is clearly shown in Figure 3 outside the confines of the moveable brush assembly 105. Thus, Hato neither discloses nor suggests the linear operating means installed within the power brush as recited in independent claim 13. Further, Nishimura fails to overcome the deficiencies of Hato.

That is, Nishimura discloses a rotary brush device for a vacuum cleaner, with components used to rotate the rotary brush device, including a rotor 7 and stator 8 of a driving motor, a rotor shaft 9, and bearings 11 and 13, installed within a cylindrical body 1 of the rotary brush device. Due to the nature and placement of the components taught by Nishimura, Nishimura's device is clearly limited to use with a rotary brush. Thus, Nishimura does not disclose or suggest the linear operating means installed within the power brush recited in independent claim 13.

Accordingly, it is respectfully submitted that independent claim 13 is allowable over the applied combination, and thus the rejection of independent claim 13 under 35 U.S.C. §103(a) should be withdrawn.

New claims 15-22 are added to the application. It is respectfully submitted that new claims 15-22 also define over the applied prior art references and meet the requirements of 35 U.S.C. §112.

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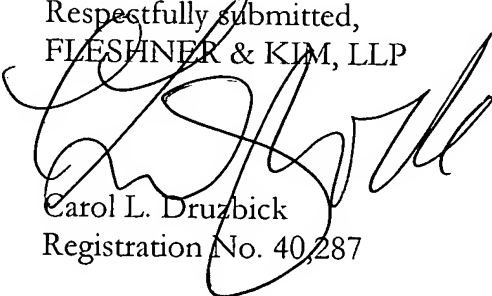
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### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carol L. Druzbeck, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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Enclosures:

Substitute Abstract  
Substitute Specification  
Mark-up Specification

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